

REMARKS

This Application has been carefully reviewed in light of the Advisory Action electronically sent November 29, 2007. Claims 1, 2 and 4-36 are pending in the application and were rejected in the Office Action. For at least the reasons discussed below, Applicants respectfully request reconsideration and favorable action in this case.

Section 102 Rejections

The Examiner rejects Claims 1, 2, 4-6, 8-25, 27-29, and 32-36 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2002/0026355 issued to Mitsuoka ("*Mitsuoka*").

Although Applicants believe that independent Claims 1, 21, 28 and 32 are allowable for the reasons given in Applicants' previous response, Applicants have amended these independent claims to include the limitations of canceled Claim 7 in order to expedite allowance of this case. Therefore, these claims are addressed below with respect to the Examiner's rejection of Claim 7 under Section 103.

Applicants respectfully request that the Examiner enter these amendments under 37 C.F.R. § 1.116 since Applicants believe that the amendments place all claims in condition for allowance due to the Section 103(c) argument presented below.

Section 103 Rejections

The Examiner rejects Claim 26 under 35 U.S.C. § 103(a) as being unpatentable over *Mitsuoka*. In addition, the Examiner rejects Claims 7, 30, and 31 under 35 U.S.C. § 103(a) as being unpatentable over *Mitsuoka* in view of U.S. Patent Publication No. 2002/0065718 issued to Otani et al. ("*Otani*").

As noted above, Applicants have amended independent Claims 1, 21, 28 and 32 to include the limitations of canceled Claim 7. As noted above, Claim 7 is rejected under Section 103 as being unpatentable over *Mitsuoka* in view of *Otani*. However, Applicants

respectfully submit that a rejection of Claim 7 (and thus now independent Claims 1, 21, 28 and 32) is not proper pursuant to Section 103(c)(1), which states:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

35 U.S.C. § 103(c)(1). In this case, *Mitsuoka* has only qualified as prior art under Section 102(e). Furthermore, at the time the claimed invention of the present application was made, both the claimed invention and the subject matter of *Mitsuoka* were owned by the same person or subject to an obligation of assignment to the same person – Fujitsu Limited (e.g., see Reel/Frame 020079/0571 and 011504/0773).

In the Advisory Action dated November 29, 2007, the Examiner indicated that since the assignment in the present application was not recorded until November 7, 2007, more than six years after the present application was filed, that the present application and *Mitsuoka* were not owned by the same person. In a telephone conference with the Examiner on January 7, 2007, Applicants pointed out to Examiner that the present application was subject to an obligation of assignment to Fujitsu Limited at the time the present invention was made. However, the Examiner indicated that additional proof, such as in the form of declarations of the inventors, was needed due to the lack of an assignment for six years (which Applicants explained was inadvertent). Therefore, Applicants are submitting herewith declarations of the inventors of the present application that indicate that the present application was subject to an obligation of assignment to Fujitsu Limited at the time the present invention was made.

For at least this reason, Applicants respectfully request reconsideration and allowance of Claims 1, 21, 28 and 32, as well as the remaining claims of the present application, which depend from these independent claims.

CONCLUSION

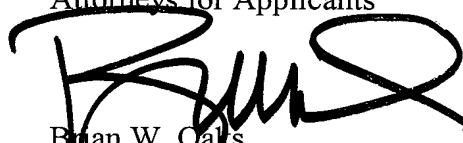
Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

Please charge **\$1,050.00** to Deposit Account No. 020384 of Baker Botts L.L.P. for a three-month extension of time. The Commissioner is authorized to charge any fee and credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Brian W. Oaks, Attorney for Applicant, at the Examiner's convenience at (214) 953-6986.

Respectfully submitted,

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